

**AGENDA  
COUNCIL MEETING  
315 WESTFIELD AVE., CLARK, NJ 07066**

**April 15, 2013**

**7:30 PM**

**ROLL CALL:**

Councilwoman Albanese _____	Councilman Mazarella _____
Councilman Barr _____	Councilman Smith _____
Councilman Kazanowski _____	Councilman Toal _____
	Council President O'Connor _____

**PLEDGE OF ALLEGIANCE TO THE FLAG: MOMENT OF SILENCE**

This meeting is in compliance with the Open Public Meetings Act as adequate notice of this meeting has been provided by mailing the Annual Schedule of meetings to the Star Ledger, Union County Local Source, and NJTODAY.NET, by posting such Annual Meeting Schedule on the bulletin board in Town Hall reserved for such announcements and the filing of said Notice with the Township Clerk of Clark. Formal action may be taken at this meeting.

**COMMUNICATIONS FROM THE MAYOR AND REPORTS OF TOWNSHIP OFFICERS:**

**Mayor:**

**Business Administrator:**

**Township Clerk:** Police, Fire and First Aid Reports for the month of March, 2013 as well as the Quarterly Financial Report for the Clerk's office and are on file and available to the public

**REPORT OF COUNCIL COMMITTEES:**

**ORDINANCES, APPROPRIATIONS AND CLAIMS:**

**PUBLIC HEARING ON PROPOSED ORDINANCES:**

(No objections have been received in connection with the proposed Ordinances)

- 1. AN ORDINANCE SUPPLEMENTING ORDINANCE 12-11, ENTITLED AN ORDINANCE TO FIX MINIMUM AND MAXIMUM SALARIES**
- 2. AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 195, "LAND USE AND DEVELOPMENT", OF THE CODE OF THE TOWNSHIP OF CLARK, COUNTY OF UNION, STATE OF NEW JERSEY TO PROVIDE FOR THE ESTABLISHMENT OF A NEW "LCI" LIMITED COMMERCIAL INDUSTRIAL DISTRICT IN ACCORDANCE WITH THE TOWNSHIP MASTER PLAN REEXAMINATION REPORT**

**INTRODUCTION OF PROPOSED ORDINANCES:**

- 3. AN ORDINANCE TO SUPPLEMENT CHAPTER 347, SECTION 36 ENTITLED TURN PROHIBITIONS OF THE CODE OF THE TOWNSHIP OF CLARK**

**PAYMENT OF CLAIMS:**

Councilman O'Connor, Chairman of Finance Committee: Report on Current and Capital expenditures

**CITIZEN HEARING ON THE AGENDA:**

Each person addressing the Council shall first give his/her name and address to the Clerk. All remarks shall be addressed to the Council as a body and shall not exceed 10 minutes in duration.

**RESOLUTIONS:**

4. Budget Compliance Resolution allowing the Budget to be read by title
5. **Public Hearing on the 2013 Municipal Budget**
6. Authorizing the Township of Clark to assume the responsibility of conducting the Annual Budget examination pursuant to NJSA 40A:4-78b
7. Supporting Senate Bill S-1896 and Assembly Bill A-1503 Sharing the Burden of Property Assessment Appeal Refunds

**CONSENT AGENDA RESOLUTIONS:**

8. Authorizing the Tax Collector to settle Tax Appeals as authorized by the Union County Board of Taxation
9. Adopting the Union County Multi-Jurisdictional Natural Hazard Mitigation Plan as Clark's official Hazard Mitigation Plan
10. Supporting the filing of PSE&G's "Energy Strong" program

**NEW BUSINESS ON THE CALENDAR:**

**PUBLIC COMMENTS:**

Each person addressing the Council shall first give his/her name and address to the Clerk. All remarks shall be addressed to the Council as a body and shall not exceed 10 minutes in duration.

**MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:**

**ADJOURNMENT:**

PH 1

**TOWNSHIP OF CLARK**

**Ordinance No.** \_\_\_\_\_

**Adopted** \_\_\_\_\_

Introduced: March 18, 2013 Public Hearing: April 15, 2013

Motion: Smith Motion: \_\_\_\_\_

Seconded: Kazanowski Seconded: \_\_\_\_\_

**AN ORDINANCE SUPPLEMENTING ORDINANCE 12-11  
ENTITLED AN ORDINANCE TO FIX MINIMUM  
AND MAXIMUM SALARIES**

**WHEREAS** said Ordinance reflects a change in salaries to be paid to certain employees of the Township for the year 2013 and forward.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark that the proper officer or officers of the Township of Clark be and they are hereby authorized and directed to execute and deliver checks on Township funds for the purpose of paying the following annual salaries to the employees of the Township of Clark within the range as set forth below opposite each job classification as in such cases made. The Schedule of salaries hereinafter set forth shall be effective as of January 1, 2013 and may be amended for those who may exceed the maximum.

**PART TIME HOURLY**

	<b>MINIMUM</b>	<b>MAXIMUM</b>
Building Maintenance	13.00	25.00
Clerk Typist	13.00	25.00
Inspector	13.00	40.00
Bus Driver	15.00	22.00
*General Part Time Help	13.00	25.00

\*Includes School Crossing Guards, Special Police Officers and Part Time Personnel other than those named herein.

Any ordinance inconsistent with the provisions contained herein is hereby repealed to the extent of such inconsistency.

This ordinance shall take effect immediately upon final passage and publication according to law.

Effective Date: May 8, 2013

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**EDITH L. MERKEL, RMC**  
Township Clerk

\_\_\_\_\_  
**PATRICK O'CONNOR**  
Council President

\_\_\_\_\_  
**SALVATORE BONACCORSO**  
Mayor

Ord13/3-18SalaryHourly

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
Smith	_____	_____	_____	_____
Toal	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____

PH 2

TOWNSHIP OF CLARK

Ordinance No. \_\_\_\_\_

Adopted \_\_\_\_\_

Introduced: April 1, 2013 Public Hearing: April 15, 2013

Motion: O'Connor Motion: \_\_\_\_\_

Seconded: Barr Seconded: \_\_\_\_\_

**AN ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER 195, "LAND USE AND DEVELOPMENT",  
OF THE CODE OF THE TOWNSHIP OF CLARK,  
COUNTY OF UNION, STATE OF NEW JERSEY  
TO PROVIDE FOR THE ESTABLISHMENT OF  
A NEW "LCI" LIMITED COMMERCIAL INDUSTRIAL DISTRICT  
IN ACCORDANCE WITH THE  
TOWNSHIP MASTER PLAN REEXAMINATION REPORT**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWNSHIP OF CLARK** that Chapter 195, "Land Use And Development", of the Code of the Township of Clark is hereby amended and supplemented as follows:

**SECTION 1.** Amend Section 195-112 of the Code of the Township of Clark by the addition of the following new zoning district, thereby increasing the number of classes of land use districts to 21 districts:

"LCI – Limited Commercial Industrial District"

**SECTION 2.** Amend Section 195-113 of the Code of the Township of Clark, entitled "Zoning Map", by the removal of the following properties, as identified on the Township Tax Maps, from the CG General Commercial Zone and to place these properties instead in the LCI Limited Commercial Industrial Zone:

1. Block 7I, Lots I,2,3,4,4.01,5,7, and I5.01.
2. A portion of Block 144, Lot 1.

The Zoning District Map is hereby amended to remove the following properties, as identified on the Township Tax Maps, from the CI Commercial Industrial Zone and to place these properties instead in the LCI Limited Commercial Industrial Zone:

1. Block 71, Lot 14.01.
2. A portion of Block 144, Lot 1.

The Zoning District Map is hereby amended to remove the following properties, as identified on the Township Tax Maps, from the I Limited Industrial Zone and to place these properties instead in the LCI Limited Commercial Industrial Zone:

1. Block 144, a portion of Lot 1 and a portion of Lot 2.

The Zoning District Map is hereby amended to remove the following properties, as identified on the Township Tax Maps, from the COH Commercial Office, Multistory Zone and to place these properties instead in the LCI Limited Commercial Industrial Zone:

1. Block 144, a portion of Lot 1 and a portion of Lot 2.

The Zoning District Map is hereby amended to remove the following property, as identified on the Township Tax Maps, from the R-75 Zone and place this property instead in the R-TH Residential Townhouse Zone:

1. Block 60, Lot 70.

The Zoning District Map is hereby amended to remove the following property, as identified on the Township Tax Maps, from the R-75 Zone and place this property instead in the CN Commercial Zone:

1. Block 49, Lot 12.07.

**SECTION 3.** Amend Section 195-133 of the Code of the Township of Clark entitled "CN Neighborhood Service Commercial District" to eliminate Gasoline filling stations as a Conditional Use in the CN District (195-133 B (2) ).

**SECTION 4.** Add a new Section 195-136.2 to the Code of the Township of Clark containing the zoning requirements for the new "LCI- Limited Commercial Industrial District" to read in its entirety as follows:

**"§195-136.2. LCI Limited Commercial Industrial District.**

**A. Purpose of district.**

- (1)** The Limited Commercial Industrial District (LCI) includes the properties on the block formed by the Garden State Parkway, Central Avenue, Raritan Road and Walnut Avenue, with the exception of the office development in the existing COH zone.
- (2)** It is the purpose of the LCI District to encourage the beneficial redevelopment of property currently occupied by obsolete industrial buildings and/or existing retail and commercial buildings with comprehensively designed developments integrating buildings, parking, landscaping, signage, lighting, pedestrian walkways, vehicular access, and attractive architectural elements.

The vision for a retail and commercial center in Clark depicts a vibrant hub of community activity. We envision a future in which this area is highly accessible to pedestrians, bikers, transit, and automotive modes of travel. This area should be a place where people will come to stroll, walk, talk, work, buy food and drink, and conduct their daily business.

This area should be planned to develop over time into a thriving, economically sustainable commercial center that provides many of the goods and services that residents need on a daily basis to reduce the number of resident trips outside of the Township.

Consistent with this vision, any future development should be designed to allow this area to evolve into a community focal point and should evoke a sense of place on a human scale that is consistent with the suburban nature of the remainder of the town.

Clark Township's dedication to a vision for our suburban community should be evidenced in our commercial center by our dedication to environmentally friendly and green building practices. A central architectural focus such as a fountain, plaza, clock tower or landscaped boulevards should encourage people to linger and enjoy the ambiance of the suburban setting.

- B. Permitted uses.** In the LCI District, only the following uses shall be permitted, except as provided in Subsection C:

- (1)** Excluding a supermarket, no more than one additional retail establishment may occupy space measuring between 45,001 SF and 80,000 SF.
- (2)** Retail establishments of 45,000 SF or less.
- (3)** Supermarkets of 80,000 SF or less.
- (4)** Personal and consumer service uses.
- (5)** Hotels
- (6)** Restaurants and eating and drinking establishments.
- (7)** Banquet and catering facilities.
- (8)** Banks and financial institutions, including drive-through banks.
- (9)** Art, music and dance studios.
- (10)** Pharmacies, including drive-through windows.
- (11)** General, administrative, executive or professional offices.
- (12)** Public uses and buildings.
- (13)** Medical offices.
- (14)** Veterinary hospitals and animal clinics.
- (15)** Computer and data processing centers.
- (16)** Indoor commercial recreational facilities, including but not limited to health clubs, gyms and fitness centers.
- (17)** Shopping Centers comprised of some or all of the preceding principal uses.
- (18)** Day care or child care center
- (19)** The following accessory uses shall be permitted:
  - (a)** Outdoor seating in conjunction with a permitted restaurant or eating and drinking establishment.
  - (b)** Other accessory uses, structures and buildings which are customary and accessory to the principal use.
  - (c)** Day-care or child care center.
  - (d)** Off-street parking and loading. Structured parking is allowed provided it meets the requirements of Section 34-222.8.
  - (e)** Satellite and cellular antennas, excluding towers as defined in Article XXVI.

(f) Signs, as permitted herein and in accordance with Section 195-160 C.

(g) Storage buildings, limited to the storage of materials owned and used only by the permitted use(s). Outside storage is not allowed.

(h) Fences and walls.

C. Conditional uses. In the LCI District, the following conditional uses shall be permitted, pursuant to the provisions of Article XXVIII:

(1) Public utility installations.

D. Prohibited uses.

(1) Except for a supermarket and one additional retail use as permitted in Section B(1) above, no single retail uses of over 45,000 SF shall be permitted.

(2) Outdoor Storage, display or sale of merchandise.

E. Area, yard and building dimensions. In the LCI District, the following dimensional requirements shall apply:

(1) Minimum lot dimensions:

(a) Area: 10,000 SF.

(b) Frontage: 100 feet.

(2) Minimum yard setbacks:

(a) Front: 40 feet.

(b) Rear: 25 feet.

(c) Side: 15 feet.

(3) Maximum building dimensions:

(a) Building height: 40 feet and three stories, except as allowed in §195-117.

(b) Lot coverage:

(1) Twenty five percent (25%) for buildings.

(2) Seventy-five percent (75%) for impervious cover.

(3) Twenty-five percent (25%) for open space, landscaping and buffer.

(A) A two for one preservation credit shall be granted for the preservation of existing wooded areas and environmentally

sensitive areas which shall be included when calculating open space, landscaping and buffer area percentages

- (4) Once final site plan approval has been given to a shopping center, the requirements in Sections E(1), E(2) and E(3) above shall not apply to any proposed subdivision of the property, whether the lots are in common ownership or not, provided that appropriate cross easements for access, parking, drainage, utilities, other shared facilities and the maintenance of common areas have been executed between the owners of the lots and have been provided to the Township of Clark for review and approval in order to ensure that the development will continue to function in accordance with the approved site plan.

**F. Parking & loading requirements.**

- (1) Notwithstanding Article XXIV, the minimum parking requirements shall adhere to the requirements as set forth below, which shall take precedence over Article XXIV in the case of any conflict:
  - (a) For all retail uses within shopping centers or mixed-use developments: one parking space per 200 square feet of gross floor area.
  - (b) For medical office uses: one parking space per 150 square feet of gross floor area.
  - (c) For a freestanding restaurant on a separate pad site: one parking space per three seats.
  - (d) There shall be no additional parking requirement for any square footage devoted solely to ancillary storage, office or employee lunch rooms on any mezzanine space within that portion of a building occupied by the individual use to which the storage, office and/or employee lunch room is ancillary.
  - (e) Notwithstanding the provisions of §195-141A.(2) and (3) of Article XXIV, each parking space within a shopping center or mixed-use development shall be a minimum of nine feet by 18 feet, and each aisle providing access to perpendicular parking spaces shall be a minimum of 22 feet for one-way aisles and 24 feet for two-way aisles.

- (f)** Notwithstanding the provisions of 195:191F the development shall be required to provide safe and adequate pedestrian circulation throughout the complex and minimize to the greatest extent possible conflicts between pedestrians and vehicles.
- (g)** Deferred or land-banked parking requirements for the LCI District.
- (1)** When an applicant can demonstrate that fewer than the total number of parking spaces than required will satisfactorily meet the parking requirements of the proposed use, the Planning Board may defer or land-bank that number of parking spaces that are not immediately needed, subject to the following:
- [a]** No more than 20% of the total number of required spaces shall be land-banked.
  - [b]** The applicant shall provide a site plan that shows that the required number of spaces, if needed, can be provided on site without exceeding the maximum impervious coverage.
  - [c]** All land-banked spaces are required to meet all of the applicable requirements of the Township zoning and design requirements, including drainage and lighting, and, to the extent necessary, variances and waivers shall be applied for and obtained.
  - [d]** Those parking spaces which are not immediately required shall be maintained in the interim as lawn or landscaped open space, until and if such spaces are needed in the future.
  - [e]** The land-banked parking area shall not count towards the minimum open space requirement for the site.
  - [f]** Within one year of initial occupancy, a post-construction parking analysis shall be conducted by the applicant to demonstrate that sufficient parking is available on site without the provision of the land-banked spaces.
  - [g]** The construction of the land-banked parking spaces may occur either when the Zoning Officer of the Township or the Planning Board, upon a vote of its members, determines that such spaces are required to fulfill the parking needs of the tenant or user of the site, or if and when the owner so chooses.
  - [h]** No amendment to the site plan shall be required for such installations, but a building permit shall be required.
  - [i]** Such spaces shall be constructed within six months of such action.

**[j]** The property owner shall provide a performance bond sufficient to cover the costs of construction of the land-banked parking area. The Planning Board shall authorize the release of the performance bond upon submittal and acceptance of the post-construction analysis.

**(2) Parking design.**

- (a)** For properties with frontage on Walnut Avenue, none of the required parking facilities shall be located between the building line and Walnut Avenue, and screening with landscaping and/or fences or walls shall be provided between the street and any structure on the property.
- (b)** No parking shall be located nearer than 20 feet to any property line, paved access drive or street right-of-way line. This does not apply to interior lot lines in the case of multiple lots developed as a single comprehensive development.
- (c)** All parking and service areas shall be screened with landscaping and/or fencing.
- (d)** The parking area shall be landscaped with shade trees and shrubs adaptable to the location and able to provide low-level screening of the view of the parking lot. At least one shade tree for each 40 feet of frontage shall be provided unless adequate evergreen screening is provided. No shade tree shall obstruct the view of any use or sign in close proximity to the street.
- (e)** In addition to landscaping at the periphery of the parking lot along public streets as required in Subsection F(2)(d) above, the interior of all surface parking lots shall be landscaped with at least one tree for every 25 parking spaces, which shall be planted in suitably prepared and protected landscaped islands or medians.

**(3) Loading requirements.**

- (a)** No loading dock or service area may be directly located on or visible from any street frontage.
- (b)** Shared loading areas are encouraged. Individual uses on pad sites

are not required to provide a designated loading area, provided that the use can demonstrate that none is needed and loading/unloading activities occur at off peak hours for the business and/or the shopping center.

- (c) No loading or unloading shall occur between 11 pm and 7 am for any business/occupant located within a building abutting a residential zone
- (d) Motor vehicles shall not idle more than three minutes in accordance with NJ state statute.

**G. Additional requirements.**

- (1) Notwithstanding the provisions of 195-146 C of this chapter, where a lot in the LCI zone has a minimum of 1,000 feet of frontage on a public street, more than one (1) driveway shall be permitted along that street, provided that the vehicular circulation to and from the street will be facilitated by a traffic signal at the main entrance to any shopping center or mixed use development measuring at least 100,000 gross square feet (GSF) and that the centerlines of separate driveways shall be spaced at least 350 feet apart.

**(2) Signage.**

- (a) Notwithstanding the provisions of Article XXV, a shopping center or a mixed-use development shall be permitted one (1) freestanding sign, not exceeding 250 square feet in area on each side and 25 feet in height, along each abutting street frontage except those abutting a residential zone. In addition, monument style entrance and exit signs near access driveways shall be permitted, as well as monument and directional signs within the shopping center.

(1) A major driveway monument sign of 100 SF is allowed, and a minor driveway monument sign of 50 SF is allowed. Monument signs shall not exceed eight (8) feet in height nor shall they violate the required sight triangle. Directional signs shall not exceed four (4) SF in area.

a) Major driveway – a driveway on a street fronting the development which offers unrestricted turn movements or is signalized. Only one driveway per each street fronting the development may be designated as major.

b) Minor driveway – any driveway that is not a major driveway.

- (b) An individual use under separate ownership not part of a shopping center or mixed-use development shall be permitted one (1) freestanding sign along each abutting street frontage, not exceeding 80 square feet in area and 20 feet in height.
- (c) Each permitted use on its own lot or each permitted use within a shopping center or mixed-use development is allowed signage on the front and side of the building, or portion thereof occupied by the individual use that faces a street or a parking area serving the use, provided that (1) the total of all signs on the front of the building does not exceed one and one half (1.5) square feet for each linear foot of building façade occupied by the individual use and upon which the sign is to be located, or 200 square feet, whichever is less and (2) the total of all signs on the side of the building does not exceed fifty percent (50%) of the size of the sign(s) on the front of the building.
- (d) No signage or advertising identifying an occupant of the premises shall be permitted on the rear portion of any building or on any roof.
- (e) Any sign permitted in an R District, where applicable, shall be permitted.
- (f) A signage plan shall be required with the submission of any site plan for approval. The signage plan shall identify the location and type of all proposed business signs and visually represent their lettering, illumination, color and height. The approving authority may apply such restrictions on color(s), size, location, sign types, letter height, illumination, or mounting height as it deems appropriate to the purpose of encouraging coordinated design to achieve a desirable visual environment.
- (g) Any additional signs other than those permitted herein within a shopping centers or mixed use development comprising 100,000 SF or more shall require site plan approval.

(3) For applications in the LCI zone:

(a) A traffic impact study of the proposed development and surrounding areas shall be required.

(b) A Fiscal Impact Study shall be required and submitted as part of the site plan review process.

(c) A Conceptual Plan shall be submitted to the Planning Board for Approval prior to the submission of a Site Plan Application.

**SECTION 5.** In the event of any conflict between the terms and conditions enumerated herein and Chapter 195 of the Land Use and Development Ordinance of the Township of Clark, this document shall prevail.

**SECTION 6.** If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall apply only to this subsection, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

**SECTION 7.** This Ordinance shall take effect upon final adoption, publication and the filing of a copy of said Ordinance with the Union County Planning Board, all in accordance with the law.

Effective Date: May 8, 2013

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**EDITH L. MERKEL, RMC**  
Township Clerk

\_\_\_\_\_  
**PATRICK O'CONNOR**  
Council President

\_\_\_\_\_  
**SALVATORE BONACCORSO**  
Mayor

Ord13/4-1AmendandSupplCh195-MasterPlanReexamination

Aye Nay Abstain Absent

Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
Smith	_____	_____	_____	_____
Toal	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____



TOWNSHIP OF

*Clark*, NEW JERSEY

**PLANNING BOARD**

430 Westfield Avenue  
Clark, New Jersey 07066-1704  
Tel.: (732) 388-3600  
Fax.: (732) 388-1241

To: Edith Merkel, Township Clerk  
Members of Council

From: Lisa McCabe, Clark Planning Board Secretary

Date: April 11, 2013

Re: Zoning Ordinance in relation to newly adopted Master Plan

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At our public Planning Board meeting on April 4, 2013, the Board reviewed and recommends to Council, by unanimous vote, an Ordinance amending and supplementing Chapter 195, "Land Use and Development", of the code of the Township of Clark, County of Union, State of New Jersey to provide for the establishment of a new "LCI" Limited Commercial Industrial District in accordance with the Township Master Plan Reexamination Report. Pursuant to NJSA 40:55D-64 and NJSA 40:55D-26 the Board finds Ordinance No. 13-06 to be consistent with the Master Plan.

MARK 3

TOWNSHIP OF CLARK

Ordinance No. \_\_\_\_\_

Adopted \_\_\_\_\_

Introduced: April 15, 2013 Public Hearing: May 20, 2013

Motion: \_\_\_\_\_ Motion: \_\_\_\_\_

Seconded: \_\_\_\_\_ Seconded: \_\_\_\_\_

**AN ORDINANCE TO SUPPLEMENT CHAPTER 347, SECTION 36  
ENTITLED TURN PROHIBITIONS  
OF THE CODE OF THE TOWNSHIP OF CLARK**

BE IT ORDAINED by the governing body of the Township of Clark that Chapter 347, Article 5, Section 36A be supplemented as follows:

**SECTION 1: SECTION 347-36A Left Turns:**

<u>From</u>	<u>Onto</u>	<u>Hours</u>
Driveway of existing parking lot of 59 Central Avenue	School Street	
Driveway of existing parking lot of 10 Westfield Avenue	Westfield Avenue	

**SECTION 2: Inconsistent Ordinance**

Any Ordinance or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 3: Effective Date**

This Ordinance shall take effect upon adoption and upon publication according to law.

Effective Date:

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**EDITH L. MERKEL, RMC**  
Township Clerk

\_\_\_\_\_  
**PATRICK O'CONNOR**  
Council President

\_\_\_\_\_  
**SALVATORE BONACCORSO**  
Mayor

Ord13/4-15SupplCh347LeftTurns  
Aye Nay Abstain Absent

Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
Smith	_____	_____	_____	_____
Toal	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
April 15, 2013

Motion \_\_\_\_\_ Second \_\_\_\_\_

**WHEREAS** at least one (1) week prior to the date of the hearing a complete copy of the approved budget was delivered to the free public library and made available for public inspection; and

**WHEREAS** an Affidavit of Receipt of the Budget as attached hereto and made a part hereof has been obtained from the library pursuant to NJSA 40A:4-8; and

**WHEREAS** copies of the budget have been made available to each person requesting one at no charge.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, State of New Jersey that upon passage of this resolution by a majority of the full membership that the law has been met allowing the budget to be read by title.

ATTEST:

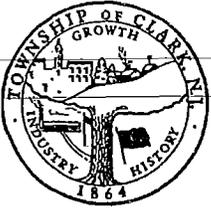
APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
PATRICK O'CONNOR  
Council President

Res13/4-15BudgetComplianceByTitle

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
Smith	_____	_____	_____	_____
Toal	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____



TOWNSHIP OF

*Clark* NEW JERSEY

EDITH L. MERKEL  
TOWNSHIP CLERK

430 Westfield Avenue  
Clark, New Jersey 07066-1704  
Tel: (732) 388-3669  
Fax: (732) 388-1241  
Email: clerk@ourclark.com

**MEMORANDUM**

**TO:** Patricia Anderson, Library Director  
**FROM:** Edith L. Merkel, Township Clerk  
**DATE:** February 20, 2013  
**RE:** 2013 Municipal Budget

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Enclosed please find a copy of the 2013 Municipal Budget of the Township of Clark as Introduced and Approved by the Governing Body at a Regular Council meeting held February 19, 2013, 315 Westfield Avenue, Clark, New Jersey at 7:30 p.m.

A hearing on the budget and tax resolution will be held at the Council Chambers, 315 Westfield Avenue on Monday, April 15, 2013 at 7:30 p.m. at which time and place objections to the Budget and Tax Resolution for the year 2013 may be presented by taxpayers or other interested persons.

Additional copies are available in the office of the Township Clerk, room 28 of the Municipal Building, 430 Westfield Avenue and can also be viewed on the Township website at [www.ourclark.com](http://www.ourclark.com)

Upon receipt of the Budget please sign and date as indicated below. Return this memo as attestation that the delivery was made.

ATTEST:

RECEIVED:

*Edith L. Merkel* 2/25/13  
Edith L. Merkel  
Township Clerk

*Patricia Anderson* 2/25/13  
Patricia Anderson  
Library Director

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

April 15, 2013

5

Motion \_\_\_\_\_ Second \_\_\_\_\_

**Municipal Budget of the Township of Clark County of Union for Calendar Year 2013**

**BE IT RESOLVED** that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2013:

**EXPLANATORY STATEMENT  
SUMMARY OF CURRENT FUND SECTION OF APPROVED BUDGET YEAR 2013**

General Appropriation For:

1. Appropriations within "CAPS":		
(a) Municipal Purposes (Item H-1, Sheet 19) (N.J.S.40A:4-45.2)		15,530,339.67
2. Appropriations excluded from "CAPS"		
(a) Municipal Purposes (Item H-2, Sheet 28) (N.J.S.40A:4-45.3 as amended)		4,407,754.61
(b) Local District School Purposes in Municipal Budget (Item K, Sheet 29)		-
Total General Appropriations excluded from "CAP" (Item O, Sheet 29)		4,407,754.61
3. Reserve for Uncollected Taxes (Item M, Sheet 29) -- Based on Estimated <u>98.49</u> Percent of Tax Collections		850,000.00
4. Total General Appropriations (Item 9, Sheet 29) Building Aid Allowance 2013 \$ _____ for Schools -- State Aid 2012 \$ _____		20,788,094.28
5. Less: Anticipated Revenues Other Than Current Property Tax (Item 5, Sheet 11) (i.e. Surplus, Miscellaneous Revenues and Receipts from Delinquent Taxes)		5,593,245.28
6. Difference: Amount to be Raised by Taxes for Support of Municipal Budget (as follows)		
(a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes (Item 6(a), Sheet 11)		14,391,206.67
(b) Addition to Local District School Tax (Item 6(b), Sheet 11)		-
(c) Minimum Library Tax		803,642.33

**BE IT RESOLVED** that notice is hereby given that the Budget and Tax Resolution was introduced by the Municipal Council of the Township of Clark, County of Union on February 19, 2013; and

**BE IT FURTHER RESOLVED** that said Budget be published in summary in the Union County LocalSource in the issue of March 28, 2013; and

**BE IT FURTHER RESOLVED** that a Regular Meeting for the hearing on the Budget and Tax Resolution will be held at the Municipal Council Chambers, 315 Westfield Avenue, on April 15, 2013 at 7:30 pm at which time and place objections to said Budget and Tax Resolution for the year 2013 may be presented by the taxpayers or other interested persons.

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
PATRICK O'CONNOR  
Council President

Res13/4-15BudgetAdoption

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
Smith	_____	_____	_____	_____
Toal	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

April 15, 2013

Motion \_\_\_\_\_ Second \_\_\_\_\_

WHEREAS N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Clark has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2013 budget year.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that in accordance with N.J.A.C. 5:30-7.6a and 7.6b and based upon the Chief Financial Officer's certification, the Governing Body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges
- b. Deferred charges and statutory expenditures
- c. Cash deficit of preceding year
- d. Reserve for uncollected taxes
- e. Other reserves and non-disbursement items
- f. Any inclusions of amounts required for school purposes

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated
- b. Items of appropriation are properly set forth
- c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

**BE IT FURTHER RESOLVED** that a copy of this Resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

ATTEST:

APPROVED:

\_\_\_\_\_  
 EDITH L. MERKEL, RMC  
 Township Clerk

\_\_\_\_\_  
 PATRICK O'CONNOR  
 Council President

Res13/4-15BudgetSelfExam

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
Smith	_____	_____	_____	_____
Toal	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____

April 15, 2013

Motion

Second

**RESOLUTION SUPPORTING S-1896/A-1503 SHARING THE BURDEN OF  
PROPERTY ASSESSMENT APPEAL REFUNDS**

**WHEREAS** when County Tax Board appeals are successful, the municipality must reimburse the property taxpayer 100% of the appealed tax levy, which includes the municipal, school, county and any special districts tax; and

**WHEREAS** the municipal tax collector must then adjust the taxpayer's fourth quarter tax bill, resulting in the municipality's fund balance for the preceding year being diminished, if not completely depleted; and

**WHEREAS** in recent years, municipalities have experienced a large spike in tax appeals caused by the economic down-turn, which lowered property values and placed increased stress on the income of homeowners all around our Garden State; and

**WHEREAS** successful tax appeals have a four-fold negative impact on municipal budgets; first by requiring the municipality, as the collector of taxes for the School district, county and special districts, to fund the full cost of the legal defense of the assessment; and

**WHEREAS** the second negative impact on municipal budgets results from State law, which guarantees to the county and the school district 100% of their levies, hence forcing the municipality to bear the full cost of any reimbursements resulting from the appeal, as well as the full burden for any uncollected taxes; and

**WHEREAS** the third negative impact on municipal budgets ensues because the refunds and credits negatively impact the municipality's tax collection rate, resulting in a State required increase in the appropriation for the Reserve for Uncollected Taxes (a non-exempt from cap budget expenditure); and

**WHEREAS** fourth, the end result is a further decline in the property tax base used to support municipalities, county governments, school systems and any fire or other special purpose districts, which will necessitate tax rate increases to raise the same amount of revenue; and

**WHEREAS** in light of the revenue limitations that have been placed on all levels of local government by the Legislature (2% cap), such declining values will compound and add additional stress to local public officials, as they grapple with the issues confronting the tax paying public; and

**WHEREAS** Senator Anthony R. Bucco, Assemblyman Michael Patrick Carroll and Assemblyman Anthony M. Bucco have recently introduced Senate Bill S-1896/Assembly Bill A-1503, which requires fire districts, school districts, and county governments to share in the burden of property assessment appeal refunds.

**NOW, THEREFORE, BE IT RESOLVED** by the Municipal Council of the Township of Clark that it hereby urges the swift passage and signing of S-1896/A-1503; and

**BE IT FURTHER RESOLVED** that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, to our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
PATRICK O'CONNOR  
Council President

Res13/4-15SupportS1896A1503AppealRefunds

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
Smith	_____	_____	_____	_____
Toal	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____

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TOWNSHIP OF CLARK

Resolution

April 15, 2013

Motion \_\_\_\_\_ Second \_\_\_\_\_

BE IT RESOLVED, by the Governing Body of the Township of Clark that it does hereby authorize the Tax Collector to settle Tax Appeal(s) authorized by the Union County Board of Taxation for the following:

<u>Block/Lot</u>	<u>Address</u>	<u>Original Assessment</u>	<u>New Assessment</u>	<u>Reduction</u>	<u>X Rate</u>	<u>Refund</u>
60/68 (2010)	1010 Raritan Rd	\$32,859.36	\$28,7420.11	\$4117.25	5%	\$4913.24
60/68 (2011)	1010 Raritan Rd	\$33,912.07	\$29,662.92	\$4249.15	5%	\$4877.08
60/68 (2012)	1010 Raritan Rd	\$34,996.96	\$30,611.87	\$4385.08	5%	\$4813.84
<b>Total Amount to be Refunded</b>						<b>\$14,604.16</b>

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
PATRICK O'CONNOR  
Council President

Res13/4-15TaxAppealJudgments

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
Smith	_____	_____	_____	_____
Toal	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____

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TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
April 15, 2013

Motion \_\_\_\_\_ Second \_\_\_\_\_

**RESOLUTION ADOPTING THE UNION COUNTY, NEW JERSEY  
MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN**

**WHEREAS** Clark, NJ is vulnerable to damages from natural hazard events which pose a threat to public health and safety and could result in property loss and economic hardship; and

**WHEREAS** a Multi-Jurisdictional Natural Hazard Mitigation Plan (the Plan) has been developed through the work of the Union County Hazard Mitigation Working Group and other interested parties within the County; and

**WHEREAS** the Plan recommends hazard mitigation actions that will help protect people and property affected by natural hazards occurring within Union County that will reduce future public, private, community and personal vulnerability and costs of disaster response and recovery, and that will reinforce the County's leadership in emergency preparedness; and

**WHEREAS** the Disaster Mitigation Act of 2000 (PL 106-390) and associated Federal Regulations published under 44 CFR, Part 201 require participating communities within the County to formally adopt a hazard Mitigation Plan subject to the approval of the Federal Emergency Management Agency to be eligible for Federal funds for hazard mitigation projects and activities as they become available; and

**WHEREAS PUBLIC MEETINGS HAVE BEEN HELD BY** Union County to receive comment on the Plan as required by DMA 2000;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of Clark Township that:

1. The Council of Clark, hereby adopts the Union County, New Jersey Multi-Jurisdictional Natural Hazard Mitigation Plan, dated 7/21/11, as this municipality's official Hazard Mitigation Plan, and resolves to execute the mitigation actions in the Plan.
2. Township Officials identified in the Plan are hereby directed to implement the recommended actions assigned to them. These officials will report quarterly on their activities, accomplishments and progress to the Union County Office of Emergency Management and to the Township Council.

3. The Union County Office of Emergency Management will provide annual progress reports on the status of implementation of the Plan to the Township Council. This report shall be submitted to the Township Council by March 31<sup>st</sup> of each year.
  
4. The Clark Office of Emergency Management, or other designated officials, will undertake periodic updates of the Plan in concert with the Union County Office of Emergency Management as described in the Plan Maintenance Section, but no less frequently than every five years.

I hereby certify the foregoing is a true copy of a Resolution adopted by Township Council at a meeting on April 15, 2013.

Certified: \_\_\_\_\_, Municipal Clerk

ATTEST:

APPROVED:

\_\_\_\_\_  
 EDITH L. MERKEL, RMC  
 Township Clerk

\_\_\_\_\_  
 PATRICK O'CONNOR  
 Council President

Res13/4-15 HazardMitigationPlan	
	Aye Nay Abstain Absent
Albanese	_____
Barr	_____
Kazanowski	_____
Mazzarella	_____
Smith	_____
Toal	_____
O'Connor	_____

Motion \_\_\_\_\_ Second \_\_\_\_\_

**WHEREAS** the State of New Jersey has experienced a series of extreme weather events over the last two years, including but not limited to: Hurricane Irene, the October 2011 snowstorm, Superstorm Sandy and an accompanying Nor'easter; and

**WHEREAS** the Township of Clark was impacted by said extreme weather events in many ways, including power outages, loss of trees and other damages; and

**WHEREAS** said extreme weather events severely damaged PSE&G's infrastructure, including but not limited to: flooded electrical substations due to storm surges, downed power lines and poles due to high winds and fallen trees, and the destruction of gas meters due to contact with water; and

**WHEREAS** the New Jersey Board of Public Utilities (BPU) issued an order on January 23, 2013 directing the State's electric and gas utilities, including PSE&G, to implement certain recommendations in the areas of: "Preparedness efforts", "Communications", "Restoration and response", "Post event", and "Underlying infrastructure issues"; and

**WHEREAS** PSE&G submitted an infrastructure filing on February 20, 2013 entitled "Energy Strong"; and

**WHEREAS** "Energy Strong" proposes an investment of \$3.98B worth of infrastructure projects over a 10-year period to enhance PSE&G's electrical and gas system, including but not limited to: fortifying electrical stations, replacing and modernizing cast iron gas mains, deploying smart grid technologies, improving pole distribution systems, creating more redundancies, undergrounding of electricity lines, and protecting gas metering stations; and

**WHEREAS** Clark would benefit from the proposed investments in the "Energy Strong" filing,

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby formally declares its support for PSE&G's "Energy Strong" program.

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
PATRICK O'CONNOR  
Council President

Res 13/4-15PSE&GEnergyStrongProgram

Aye Nay Abstain Absent

Albanese	_____
Barr	_____
Kazanowski	_____
Mazzarella	_____
Smith	_____
Toal	_____
O'Connor	_____